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## Ben Ferencz

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**Benjamin Berell Ferencz** (born March 11, 1920)<sup>[1][2][3]</sup> is an American lawyer. He was an investigator of **Nazi war crimes** after **World War II** and the chief prosecutor<sup>[4]</sup> for the **United States** Army at the **Einsatzgruppen Trial**, one of the 12 **military trials** held by the U.S. authorities at **Nuremberg, Germany**. Later, he became an advocate of the establishment of an international **rule of law** and of an **International Criminal Court**. From 1985 to 1996, he was adjunct **professor** of international law at **Pace University**.

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### Biography

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#### Early life, education, and army service

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Ferencz was born in Csolt, **Szatmár County**, located in the historical **Transylvania** region in the **Kingdom of Hungary** (today part of **Șomcuta Mare, Romania**). A few months later, Transylvania was ceded to **Romania** under the **Treaty of Trianon** (1920), the result of **World War I**. When Ferencz was ten months old, his family emigrated to the **United States**, which, according to his own account, was to avoid the persecution of **Hungarian Jews** by Romania after Romania gained formal control of Transylvania.<sup>[5]</sup> The family settled in **New York City**, where they lived on the **Lower East Side** in **Manhattan**.<sup>[6]</sup>

Ferencz studied crime prevention at the **City College of New York**, and his criminal law exam result won him a **scholarship** to **Harvard Law School**. At Harvard, he studied under **Roscoe Pound**<sup>[7]</sup> and also did research for **Sheldon Glueck** who, at that time, was writing a book on war crimes. Ferencz graduated from Harvard in 1943.<sup>[8]</sup> After his studies, he joined the **U.S. Army**, where he served in the 115th AAA Gun Battalion, an **anti-aircraft artillery** unit.<sup>[9]</sup>

In 1945, he was transferred to the headquarters of General **Patton**'s **Third Army**, where he was assigned to a team tasked with setting up a **war crimes** branch and collecting evidence for such crimes. In that role, he was sent to the **concentration camps** that had been liberated by the U.S. army.<sup>[6]</sup>

#### Nuremberg trial prosecutor

[ edit source ]

On Christmas 1945,<sup>[7]</sup> Ferencz was honorably discharged from the Army with the rank of **sergeant**. He returned to New York, but was recruited only a few weeks later to participate as a prosecutor in the **Subsequent Nuremberg Trials** in the legal team of **Telford Taylor**. Taylor appointed him chief prosecutor in the **Einsatzgruppen Case**—Ferencz's first case.<sup>[9]</sup> All of the 22 men on trial were convicted; 13 of them received death sentences, of which four were eventually carried out. Apart from **East Germany**, they were the last executions performed on German soil, and in the federal republic.

In a 2005 interview for *The Washington Post* he revealed some of his activities during his period in Germany by way of showing how different military legal norms were at the time:

Someone who was not there could never really grasp how unreal the situation was ... I once saw **DPs** [displaced persons] beat an SS man and then strap him to the steel gurney of a crematorium. They slid him in the oven, turned on the heat and took him back out. Beat him again, and put him back in until he was burnt alive. I did nothing to stop it. I suppose I could have brandished my weapon or shot in the air, but I was not inclined to do so. Does that make me an *accomplice* to murder?<sup>[9]</sup> You know how I got witness statements? I'd go into a village where, say, an American pilot had parachuted and been beaten to death and line everyone one up against the wall. Then I'd say, "Anyone who lies will be shot on the spot." It never occurred to me that statements taken under duress would be invalid.<sup>[9]</sup>

Ferencz stayed in Germany after the **Nuremberg Trials**, together with his wife Gertrude,<sup>[6]</sup> whom he had married in New York<sup>[10]</sup> on March 31, 1946.<sup>[2]</sup> Together with **Kurt May** and others, he participated in the setup of reparation and rehabilitation programs for the victims of persecutions by the Nazis, and also had a part in the negotiations that led to the **Reparations Agreement between Israel and West Germany** signed on September 10, 1952<sup>[11]</sup> and the first **German Restitution Law** in 1953.<sup>[6]</sup> In 1956, the family—they had four children by then—returned to the U.S., where Ferencz entered private law practice<sup>[10]</sup> as a partner of Telford Taylor.<sup>[12]</sup> While pursuing claims of Jewish forced laborers against the Flick concern (the subject of the **Flick trial**), Ferencz observed the "interesting phenomenon of history and psychology that very frequently the criminal comes to see himself as the victim".<sup>[13]</sup>

#### Role in forming the International Criminal Court

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Experiences just after World War II left a defining impression on Ferencz.<sup>[10]</sup> After 13 years, and under the impression of the events of the **Vietnam War**, Ferencz left the private law practice and henceforth worked for the institution of an **International Criminal Court** that would serve as a worldwide highest instance for issues of **crimes against humanity** and **war crimes**.<sup>[10]</sup> He also published several books on this subject. Already in his first book published in 1975, entitled *Defining International Aggression-The Search for World Peace*, he argued for the establishment of such an international court.<sup>[8]</sup> From 1985 to 1996, Ferencz also worked as an adjunct **professor** of international law at **Pace University** at **White Plains, New York**.<sup>[5]</sup>

An **International Criminal Court** was indeed established on July 1, 2002, when the **Rome Statute of the International Criminal Court** came into force. Under the Bush administration, the U.S. signed the treaty, but didn't ratify it. The administration of George W. Bush concluded a large number of bilateral agreements with other states that would exclude U.S. citizens from being brought before the ICC.<sup>[14]</sup>

Ferencz has repeatedly argued against this procedure and suggested that the U.S. join the ICC without reservations, as it was a long-established rule of law that "law must apply equally to everyone", also in an international context.<sup>[10]</sup> In this vein, he has suggested in an interview given on August 25, 2006, that not only **Saddam Hussein** should be tried, but also **George W. Bush** because the **Iraq War** had been begun by the U.S. without permission by the **UN Security Council**.<sup>[10]</sup> He also suggested that Bush should be tried in the **International Criminal Court** for '269 war crime charges' related to the **Iraq War**.<sup>[15][16]</sup> In 2013, Ferencz stated once more that the "use of armed force to obtain a political goal should be condemned as an international and a national crime."<sup>[17]</sup>

#### Later years

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In 2009, Ferencz was awarded the **Erasmus Prize**, together with **Antonio Cassese**; the award is given to individuals or institutions that have made notable contributions to European culture, society, or social science.<sup>[18]</sup>

On May 3, 2011, two days after the **death of Osama bin Laden** was reported, *The New York Times* published a Ferencz letter which argued that "illegal and unwarranted execution – even of suspected mass murderers – undermines democracy".<sup>[19][20]</sup> Also that year he presented a closing statement in the trial of **Thomas Lubanga Dyllo** in Uganda.<sup>[21]</sup>

On March 16, 2012, in another letter to the editor of *The New York Times*, Ferencz hailed the International Criminal Court's conviction of **Thomas Lubanga** as "a milestone in the evolution of international criminal law".<sup>[22]</sup>

In April 2017, the municipality of **The Hague** announced the naming of the footpath next to the **Peace Palace** the Benjamin Ferenczpad (Benjamin Ferencz path), calling him "one of the figureheads of international justice". The city's Deputy Mayor **Saskia Bruijnes** (International Affairs) traveled to Washington to symbolically present the street sign to Ferencz.<sup>[23]</sup> On May 7, Ferencz was interviewed on CBS's *60 Minutes*.<sup>[24]</sup>

In 2018, Ferencz was the subject of a documentary on his life, *Prosecuting Evil*, by director Barry Avrich, which was made available on Netflix.<sup>[25]</sup> In the same year, Ferencz was also interviewed for the 2018 **Michael Moore** documentary *Fahrenheit 11/9*.<sup>[26]</sup>

On June 20, 2019, artist & sculptor **Yaacov Heller** honored Ferencz - presenting him with a bust he created - commemorating his extraordinary life dedicated to genocide prevention.<sup>[27]</sup>

On January 16, 2020, *The New York Times* printed Ferencz's letter denouncing the assassination of the Iranian general **Qassem Soleimani**, unnamed in the letter, as an "immoral action [and] a clear violation of national and international law".<sup>[28]</sup> He became a **centenarian** two months later.<sup>[29]</sup> Six months later on September 7, the documentary *Two Heads Are Better Than One: Making of the Ben Ferencz Bust*,<sup>[30]</sup> starring Ferencz and sculptor Yaacov Heller, had a world premiere, produced by Eric Kline Productions and directed by Eric Kline.<sup>[31]</sup>

### Personal life

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Ferencz married his teenage sweetheart Gertrude,<sup>[6]</sup> in New York<sup>[10]</sup> in 1946,<sup>[2]</sup> and they stayed married for more than 70 years, until Gertrude's death in 2019.<sup>[32]</sup> They had four children.<sup>[33]</sup>

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### Lectures

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- The Evolution of International Criminal Law - A Personal Account*   in the Lecture Series of the United Nations Audiovisual Library of International Law

### Awards

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- 1980: **National Jewish Book Award** in the Holocaust category for *Less Than Slaves: Jewish Forced Labor and the Quest for Compensation*<sup>[34]</sup>
- 2021: Honorary Doctorate awarded by the faculty of law of the **University of Cologne** <sup>[35]</sup>

### See also

[ edit source ]

- War crimes committed by the United States
- The International Criminal Court and the 2003 invasion of Iraq
- Review Conference of the International Criminal Court Statute
- United States and the International Criminal Court

*Biography portal*

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